

MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 41241)
Chief, Criminal Division

MATTHEW A. PARRELLA (NYBN 2040855)
HANLEY CHEW (CABN 189985)
Assistant United States Attorneys

150 Almaden Blvd., 9th Floor
San Jose, California 95113
Telephone: (408) 535-5042
FAX: (408) 535-5066
matthew.parrella@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DENNIS COLLINS, CHRISTOPHER)
WAYNE COOPER, JOSHUA JOHN)
COVELLI, KEITH WILSON DOWNEY,)
MERCEDES RENEE HAEFER,)
DONALD HUSBAND, VINCENT)
CHARLES KERSHAW, ETHAN MILES,)
JAMES C. MURPHY, DREW ALAN)
PHILLIPS, JEFFREY PUGLISI,)
DANIEL SULLIVAN, TRACY ANN)
VALENZUELA, AND CHRISTOPHER)
QUANG VO,)
)
Defendants.)

No. CR 11-00471-DLJ

**STIPULATION AND []
ORDER CONTINUING STATUS
CONFERENCE FROM SEPTEMBER
26, 2013 TO OCTOBER 31, 2013 AND
EXCLUDING TIME FROM
SEPTEMBER 26, 2013 TO OCTOBER
31, 2013, FROM CALCULATIONS
UNDER THE SPEEDY TRIAL ACT (18
U.S.C. § 3161)**

The parties hereby request that the Court enter this order vacating the status conference in this matter scheduled for September 26, 2013, setting a further status conference/potential

change of plea hearing for October 31, 2013, and excluding time from September 26, 2013 through October 31, 2013. The parties, including the defendants, stipulate as follows:

1. Defendants understand and agree to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from September 26, 2013 through October 31, 2013, based upon the need for the defense counsel to investigate further the facts of the present case. The government has provided considerable discovery in the present case, and defense counsel need time to review the discovery, evaluate further possible defenses and motions available to the defendant. Moreover, the government has provided plea agreements to defendants to resolve this case. The parties are continuing to discuss the terms of those plea agreements and need additional time to complete those discussions.

2. The attorney for defendants join in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believe the exclusion of time is necessary for effective preparation of the defense; believe the exclusion is in the defendant's best interests; and further agree that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be from September 26, 2013 through October 31, 2013.

Given these circumstances, the parties believe, and request that the Court vacate the September 26, 2013 status conference, set October 31, 2013 as a further status/potential change in plea hearing and find, that the ends of justice are served by excluding from calculations the period from September 26, 2013 through October 31, 2013, outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 9/20/13

/s/
PETER LEEMING

DATED: 9/20/13

/s/
W. MICHAEL WHELAN

DATED: 9/20/13

/s/
THOMAS NOLAN

1 DATED: 9/20/13

/s/
JOHN M. HAMASAKI

2 DATED: 9/20/13

/s/
STANLEY L. COHEN

4 DATED: 9/20/13

/s/
EAN VIZZI

5 DATED: 9/20/13

/s/
OMAR FIGUEROA

7 DATED: 9/20/13

/s/
GRAHAM ARCHER

8 DATED: 9/20/13

/s/
ROBERT CAREY

10 DATED: 9/20/13

/s/
GEORGE BOISSEAU

11 DATED: 9/20/13

/s/
JOHN D. LUECK

13 DATED: 9/20/13

/s/
MICHELLE SPENCER

14 DATED: 9/20/13

/s/
JAMES McNAIR THOMPSON

16 DATED: 9/20/13

/s/
ALEXIS BRIGGS

17 DATED: 9/20/13

/s/
MATTHEW A. PARRELLA
HANLEY CHEW
Assistant United States Attorneys

21 **[] ORDER**

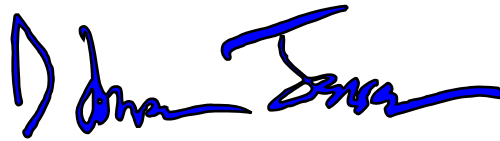
22 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
23 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
24 U.S.C. § 3161, from September 26, 2013 through October 31, 2013 based upon the need for the
25 defense counsel to investigate further the facts of the present case, review the discovery that the
26 government has already provided and evaluate further possible defenses and motions available to
27 the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and
28

1 is in the defendant's best interests; and (3) the ends of justice are served by excluding from
2 calculations the period from September 26, 2013 through October 31, 2013.

3 Accordingly, the Court further orders that (1) the status conference in this matter
4 scheduled for September 26, 2013 is vacated; (2) a further status conference/potential change of
5 plea hearing is scheduled for October 31, 2013; and (3) the time from September 26, 2013
6 through October 31, 2013 is excluded from time calculations under the Speedy Trial Act, 18
7 U.S.C. § 3161.

8 IT IS SO ORDERED.

9 DATED: JED JH



10 THE HONORABLE D. LOWELL JENSEN
11 United States District Court Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28